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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,626	01/10/2002	John David Taylor		8986

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John D. Taylor
Steve K. Taylor
Taylor Corp: Pre-Paid Cash Cards Unlimited
2204 Stephens St.
Vernon, TX 76384

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2887

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01/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/973,626	Applicant(s) TAYLOR ET AL.
	Examiner EDWYN LABAZE	Art Unit 2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments/arguments filed on 11/10/2008.
2. Claims 1-13 are presented for examination.

Claim Objections

3. Claims 0001-0013 are objected to because of the following informalities:

As previously advised and directed to the applicant {see office action paper 01/16/2003}, a proper formatted claim should only disclose the limitations of the invention such as: "A pre-paid cash card comprising of...". The applicant should remove or delete all stories and/or personal details, and non-essential materials from the claim(s). For instance:

Re claim 1: The applicant recites "what I (we) claim is: the first and only original pre paid cash cards that is called what it is, by its name, "Pre Paid Cash Cards",. The authors, creators and inventors John & Steve Taylor invented and discovered a new and useful method of operation comprising of the present invention as follows; a method of operation comprising: of buying a card with cash money or monetary funds. Money or monetary funds stored in a pre paid cash card, cash in a card". Such claim format/language is improper. The applicant is respectfully requested to remove the names and opinions in the claimed language, wherein the claim should be formatted as follows:

Re claim 1 (currently amended): A method comprising: buying a card with cash money or monetary funds, wherein said money or monetary funds are stored in a pre paid cash card or cash card.

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Re claim 2 (currently amended): A method comprising: a safe way to carry large amounts of cash in a cash card.

Re claim 3 (currently amended): A method process comprising: means of purchasing a pre paid cash card ~~that can be bought by all the public, that can~~ to be used as cash or to receive cash from the cash card.

Re claim 4 (currently amended): A method ~~system~~ comprising: a pre paid cash card having a ~~variety~~ variety of small, medium or large valued ~~size~~ denominations on the pre paid cash cards ~~that are sold to the public at any point-of-sale, used by financial institutions of commerce~~ to pay or receive payment from the sold cash cards, ~~The value of~~ wherein the pre paid cash cards are worth the amount paid by the purchaser, less a small user fee.

Furthermore, each amended claim must clearly identify all added limitations through an underline of each limitation and strikethrough all deleted limitations. All claims should commence with a capital letter and end with a period. There should be only one complete sentence per claim {meaning one only period terminating the claim}. The applicant is respectfully requested to delete all examples from the claim language.

4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being broadly anticipated by Risafi (U.S. 6,473,500).

Re claims 1-14: Risafi discloses system and method for using a prepaid card, which includes means of purchasing a prepaid card 100 from a terminal 106 (see fig.# 1), wherein

- the terminal may be located at a bank, merchant; means of reloading the card, PIN selection (see col.3, lines 55-67),
- the prepaid card 100 can be used to make purchase for goods and/or services and withdraw cash from a terminal{herein Risafi discloses the terminal 106 could be an ATM machine affiliated with financial institutions, a POS terminal or a standalone terminal such as a kiosk} (col.4, lines 1-15; col.7, lines 1-55; col.10, lines 32-67),
- the prepaid card 100 can be used all over the world domestically or abroad (col.7, lines 8-10),
- the prepaid card 100 looks a similar to a conventional magnetic stripe card with a magnetic stripe 320 and an account number 330 with 16-19 digits (col.11, lines 1-42),

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- the prepaid card can be purchased by the card user in any denomination or cash value allowed by the issuer (col.7, lines 19-24 and 62),
- the prepaid card 100, after the transaction or processing fees are deducted, the value associated with the card will be less than the amount for which the card was purchased (col.8, lines 62-67; col.10, lines 46-49),
- the card includes a 4-digit number similar to a PIN (col.2, lines 48-67)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi (U.S. 6,473,500) in view of Kwan (US 2003/0200179).

Risafi fails to specifically teach a bar code printed on the card and scratch off.

Kwan teaches method, apparatus and program to make payment in any currencies through a communication network system pre-cards (see fig.# 5; ¶ 18, 21).

In view of Kwan's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Risafi a bar code printed on the card and scratch off so as to provide of scanning and accessing the stored information on the card. Furthermore, barcode is well known in the art for storing and adding

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information and also a quick means of reading the stored information. Therefore, it would have been an obvious extension as taught by Risafi.

Response to Arguments

9. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Odiwo (US 2002/0095371) teaches prepaid cash card.

Anderson (US 2002/0147662) teaches method of using prepaid cash card.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Primary Examiner, Art Unit 2887
1/27/2009